

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, *ex rel.*  
TEITALBAUM,

Plaintiffs,

v.

ALASKA AIRLINES, *ET AL.*,

Defendants.

Civil Action No. 04-12450-MEL

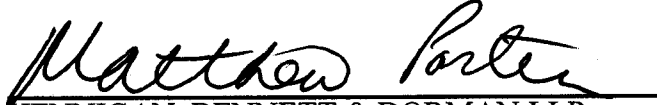
OPPOSITION OF HAWAIIAN AIRLINES, INC. TO THE RELATOR'S NOTICE OF  
DISMISSAL, WITHOUT PREJUDICE, OF THE AMENDED COMPLAINT  
AS TO HAWAIIAN

Defendant Hawaiian Airlines, Inc. (referred to herein as "Hawaiian"), hereby opposes the Notice of Dismissal *Without Prejudice* (the "Notice") filed by Jennifer L. Teitelbaum ("Relator"). In support of its opposition, Hawaiian states that it is entitled to a dismissal of the Amended Complaint *with prejudice* for several reasons. First, as set forth in Hawaiian's February 13, 2006 Motion to Dismiss, Hawaiian filed for bankruptcy protection on March 21, 2003 and, following the confirmation of a chapter 11 plan of reorganization, was discharged from all of its debts -- including the Relator's claims -- by order dated May 18, 2005. The effect of the discharge granted to Hawaiian under 11 U.S.C. §§ 524 and 1141 enjoins this lawsuit and mandates dismissal *with prejudice* as to Hawaiian. Second, Hawaiian is entitled to dismissal *with prejudice* for the reasons set forth in the Domestic Defendants' February 13, 2006 Motion to Dismiss.

WHEREFORE, for the reasons set forth above, as well as in Hawaiian's and the Domestic Defendants' respective Motions to Dismiss and supporting memoranda, Hawaiian

respectfully requests that the Relator's Notice of Dismissal without prejudice be rejected, and that the Amended Complaint be dismissed as to Hawaiian *with prejudice*.

Respectfully submitted,

A handwritten signature in black ink, reading "Matthew Porter", is written over a horizontal line.

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